



California Notice 2013-08

## **NOTICE OF FINAL DECISION REGARDING RENEWAL OF REGISTRATION OF PESTICIDE PRODUCTS FOR 2013**

The Director of the Department of Pesticide Regulation (DPR), under Title 3, California Code of Regulations (3CCR) section 6255, files this notice of final decision regarding the 2013 renewal of pesticide product registrations with the Secretary of the Resources Agency to be posted for a period of 30 days for public inspection. DPR initially proposed to renew the registrations of pesticide products for the calendar year 2013 by posting a notice, dated November 5, 2012, for public review and comment under 3CCR section 6253.

### *Statutory and Regulatory Framework*

DPR endeavors to eliminate from use any pesticide product that endangers the environment or is not beneficial for the purpose for which it was sold, or is misrepresented. Before a substance is initially registered as a pesticide, DPR conducts a thorough and timely evaluation. (Food & Agr. Code § 12824.) Once a pesticide is registered, it is subject to an orderly program of continuous reevaluation as set forth in regulation. (Food & Agr. Code § 12824; Cal. Code of Regs., tit. 3, §§ 6220-6226.)

Pesticide registrations expire on December 31 of the year in which they are issued, and a registrant must submit a renewal application and fee within one month of the December 31 expiration date. (Food & Agr. Code § 12817.) A completed renewal application includes a certification by the registrant that any factual or scientific evidence of an adverse effect or risk of the pesticide to human health or the environment has been submitted to DPR. (Cal. Code of Regs., tit. 3, § 6210.) Therefore, upon the receipt of a complete and timely application, DPR is required to renew each pesticide registration within 60 days, except when the Director, after hearing, has cancelled the registration of, or denied the application to register the pesticide product. (Food & Agr. Code §§ 12816, 12825, 12827; Cal. Code of Regs., tit. 3, § 6215, subd., (b).)

The registration renewal process is separate and distinct from the process of reevaluation. Products already under reevaluation are renewed regardless of their reevaluation status. For those products not already in reevaluation, the Director must make a finding at the time of renewal that there is insufficient information to place such products into reevaluation. (Cal. Code of Regs., tit. 3, § 6215.) At any time, DPR may conduct a reevaluation of a registered pesticide based on information derived from various sources, including public and private research studies; consultation with the Pesticide Registration and Evaluation Committee and U.S. EPA; adverse effects disclosures; and public comments. If the Director finds from the information received that a significant adverse impact has occurred or is likely to occur or that there is an alternative



available that would such reduce such an impact, the pesticide involved must be reevaluated. (Cal. Code of Regs., tit. 3, § 6220.) During a reevaluation, DPR may determine that the pesticide should be classified as a restricted material, that additional restrictions on use are necessary, or that cancellation should be initiated. (Cal. Code of Regs., tit. 3, § 6224.) Similar determinations could be made as a result of the continuous evaluation required by other statutory mandates. Information regarding ongoing reevaluations can be found on DPR's Web site located at <<http://cdpr.ca.gov/docs/registration/reevaluation/reevals.htm>>.

### ***Response to Comments Received Regarding Notice of Proposed Decision***

In response to the November 5, 2012, Notice of Proposed Decision to Renew Pesticide Product Registrations for 2013, Director's Finding and Public Report (California Notice 2012-14), DPR received four comments from California Safe Schools, Center for Biological Diversity, Earthjustice (on behalf of Californians for Pesticide Reform, the Center for Biological Diversity, and the American Bird Conservancy), and The City of El Cerrito. All comments received were regarding products DPR currently has in reevaluation. Specifically, the commenters requested that DPR refuse to renew the California registrations of all second generation rodenticide products identified in the U.S. Environmental Protection Agency's (U.S. EPA's) November 2, 2011, *Draft Notice of Intent to Cancel and Notice of Denial of Registrations for Certain Rodenticide Bait Products*. Of the twelve federally registered products subject to cancellation by U.S. EPA, four of the products are currently registered with DPR.

DPR evaluated and responded to each of the submitted letters. DPR informed the commenters that while DPR has not made the determination that there are significant adverse effects to justify cancellation of all second generation rodenticides, it has received sufficient information to place these products into reevaluation and that the reevaluation process is ongoing. In addition, DPR is carefully monitoring U.S. EPA's progress towards cancellation of the second generation rodenticides at issue, and if at any point the product registrations are federally cancelled, those products would also no longer be registered for use in California. However, the initiation of a cancellation action by U.S. EPA or DPR's placement of a product into reevaluation does not preclude the renewal of that product's registration.

As part of DPR's ongoing reevaluation of second generation rodenticides, DPR conducted an analysis of potential and actual risk to non-target wildlife from second generation rodenticides that addresses the concerns expressed by the commenters. This analysis is available on DPR's Web site, located at <<http://www.cdpr.ca.gov/docs/registration/reevaluation/chemicals/brodifacoum.htm>>. Based on that analysis, DPR concluded that second generation rodenticides present a hazard related to persistent residues in target animals resulting in impacts to non-target wildlife. As a result of this finding, DPR has proposed regulations to list second generation rodenticide products as a Restricted Material in California. DPR's proposed regulations can be viewed at <<http://www.cdpr.ca.gov/docs/legbills/rulepkgs/13-002/13-002.htm>>.

***Director's Finding***

At this point in time, the Director finds that for all pesticides proposed for renewal that are not currently under reevaluation, sufficient information has not been received necessitating their reevaluation or the initiation of the cancellation process.

The Director's decision to renew the registrations of those pesticide products registered in 2012 for the calendar year 2013 is therefore adopted under FAC section 12817.

*Original Signed by Liz Pelham for AP.*

*August 8, 2013*

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Date